

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, SC 29403-5107

and

THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Ocean and Coastal Resource Management
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N SAC-2017-01714

June 11, 2018

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.), an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

Mr. Frank Roberts
Lady Island Oysters Inc
35 Hutson Drive
Seabrook, South Carolina 29940

for an After-The-Fact authorization of an existing dock for commercial use on

McCalley's Creek

at 35 Hutson Drive, Seabrook, Beaufort County, South Carolina (Latitude: 32.526 °N, Longitude: -80.7454 °W), (Dale Quad Sheet)

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by the **Corps** until

15 Days from the Date of this Notice,

and **SCDHEC** will receive written statements regarding the proposed work until

30 Days from the Date of this Notice

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of the After-The-Fact authorization of an existing commercial dock. In detail, the proposed work consists of the After-The-Fact authorization of the existing 4' X 114' walkway leading to a 16' X 16 foot pierhead with offloading winch, a 3' X 30' catwalk leading to two (2) 12.5' X 16' boat lifts, and a 3' X 30' ramp leading to a 10' X 40' floating dock. The existing

dock is also equipped with seawater intake and discharge lines. The purpose of the proposed project is to authorize an existing commercial dock that is being used in support of an adjacent commercial oyster hatchery and nursery operation that breeds and raises oyster seed for commercial mariculture purposes. The existing commercial dock is used for off-loading oysters from boats and docking boats. Seawater intake lines are also affixed to the dock. The seawater is taken in and used in the oyster hatchery and nursery where it is then returned to the creek through the outfall/discharge line. Impacts have been minimized by locating the structures close to the marsh line and over open waters. No mitigation is being proposed as the existing dock does not include the discharge of dredged or fill material into wetlands or waters. Note: The existing floating cages shown on the project drawings are not part of the After-the-Fact authorization for the dock as they have previously been authorized.

NOTE: This public notice and associated plans are available on the Corps' website at:
<http://www.sac.usace.army.mil/Missions/Regulatory/PublicNotices> .

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions of the Coastal Zone Management Program (15 CFR 930). This activity may also require evaluation for compliance with the S. C. Construction in Navigable Waters Permit Program. State review, permitting and certification is conducted by the S. C. Department of Health and Environmental Control. The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.03 acres of open water above estuarine substrates utilized by various life stages of species comprising the shrimp, and snapper-grouper management complexes. The District Engineer's initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). The District Engineer's final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to the Section 7 of the Endangered Species Act of 1973 (as amended), the Corps has reviewed the project area, examined all information provided by the applicant, and the District Engineer has determined, based on the most recently available information that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with Section 106 of the NHPA, the District Engineer has consulted South Carolina ArchSite (GIS), for the presence or absence of historic properties (as defined in 36 C.F.R. 800.16)(f)(1)), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties. To ensure that other historic properties that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office and any other interested parties to provide any information they may have with regard to historic properties. This public notice serves as a request for concurrence within 30 days from the SHPO (and/or Tribal Historic Preservation Officer).

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

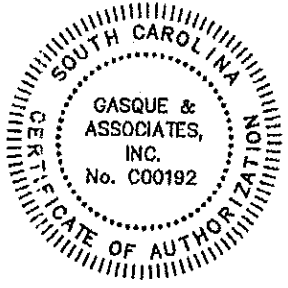
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps cannot undertake to adjudicate rival claims.

The Corps is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. **Please submit comments in writing, identifying the project of interest by public notice number, to the following address:**

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION**

**69A Hagood Avenue
Charleston, SC 29403-5107**

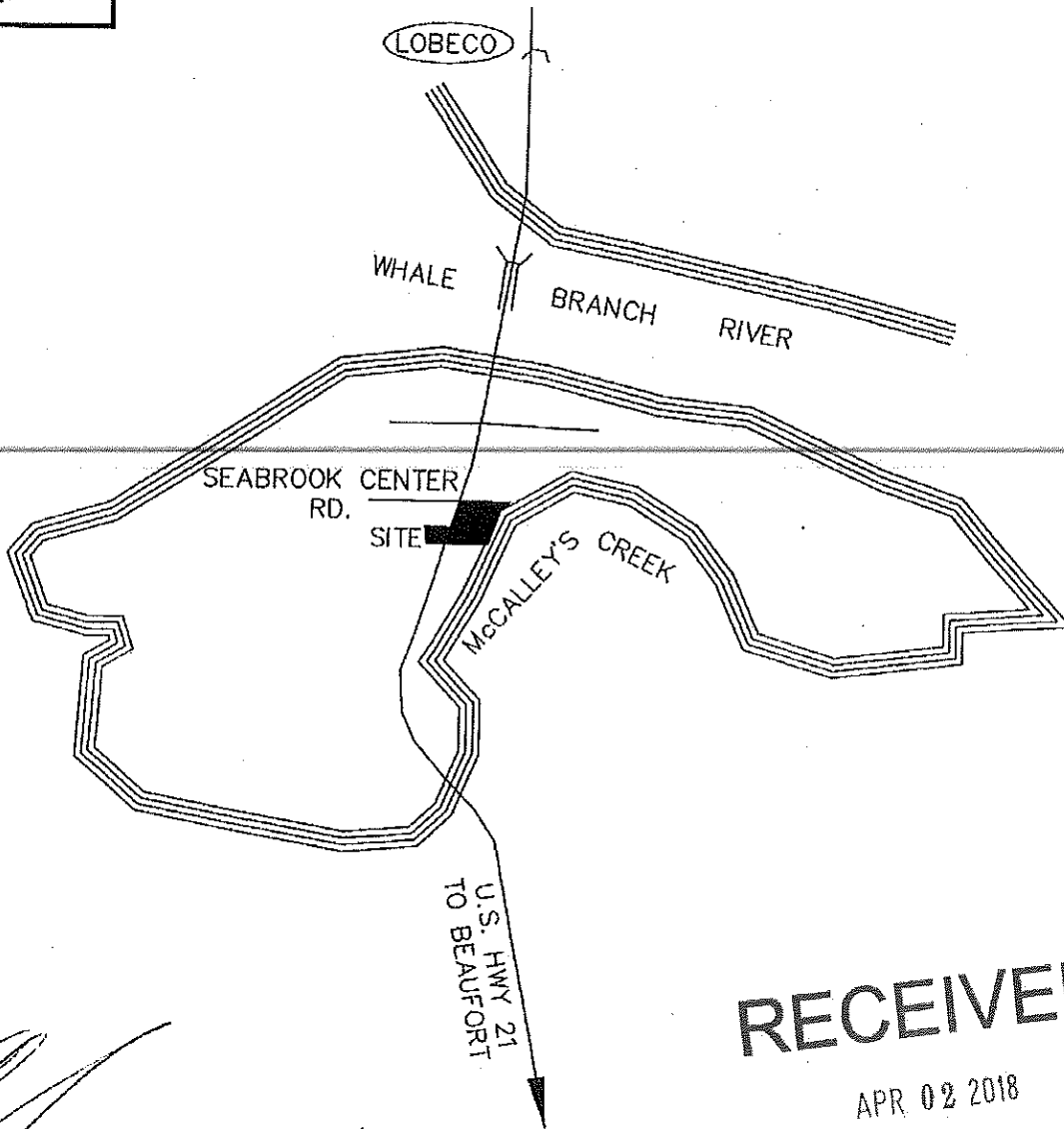
If there are any questions concerning this public notice, please contact Tracy D. Sanders, Project Manager, at (843) 329-8190 or toll free at 1-866-329-8187.



GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS

SHEET # 3 OF 3

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1363, BEAUFORT, S.C.
PHONE (843) 522-1798



RECEIVED

APR 02 2018

OCRM - CHARLESTON

[Signature] 3-13-18
SURVEYOR SIGNED HEREON IS CHARGED WITH SURVEY MATTERS AND THE PHYSICAL DRAWING ON A COMPUTER DRAFTING SYSTEM ONLY. THIS IS NOT A DESIGN OR INTENDED TO BE ONE. ALL DEPICTIONS THAT ARE NOT SURVEY MATTERS IS PROVIDED BY OTHERS.

ADJACENT PROPERTY OWNERS:

1. ROBERTS, FRANK H.
R100 015 000 0010 0000
16 MARSH OAKS LANE
SEABROOK, SC 29940
2. ROBERTS, FRANK H.
R100 015 000 010A 0000
16 MARSH OAKS LANE
SEABROOK, SC 29940

NOT TO SCALE

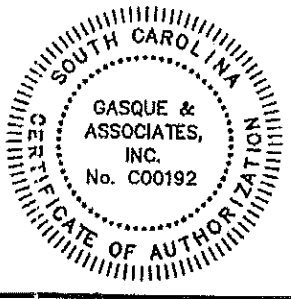
R100 015 000 0011 0000
FAIRWOOD FARMS, LLC.
2161 TRASK PARKWAY
SEABROOK, SC 29940

DOCK PERMIT SURVEY

IN: McCALLEY'S CREEK
AT: PORT ROYAL ISLAND

COUNTY OF: BEAUFORT
STATE: SOUTH CAROLINA

JOB# 40498 Dsgn. #6 DATE: 02/16/2018



GASQUE & ASSOCIATES INC.
LAND SURVEYORS & PLANNERS
 28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
 P.O. BOX 1363, BEAUFORT, S.C.
 PHONE (843) 522-1798

SHEET # 1 OF 3



DHEC-OCRM CRITICAL LINE
 OCRM

N87°37'48"E
 188.50'

N122°00'00"E
 122.00'

129.85'

114.44'

179.24'

OUT PARCEL

OLD DOCK
 DILAPIDATED

4'x115' WALK WAY
 WITH HANDRAIL

256 SQ. FT
 16'x16' PIERHEAD
 W/ OFFLOADING
 WINCH

2, 12.5'x16'
 BOAT LIFTS

30'x3' WIDE
 CATWALK

SEAWATER
 INTAKE LINES

3'x30'
 RAMP

10'x40'
 FLOAT

400 SQ. FT

Existing
 6, 3'x5' OYSTER
 GROW CAGES
 UNDER FLOAT
 previously
 permitted

EDGE OF GRASS

Existing
 10, 3'x5' OYSTER
 GROW CAGES

not included
 in this
 public notice/
 permit application

MCCALLEY'S CREEK

EDGE OF GRASS

Existing
 5, 3'x5' OYSTER
 GROW CAGES

not included in this
 public notice / permit application

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3-12-18
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0 30 60 120



SCALE: 1"=60'

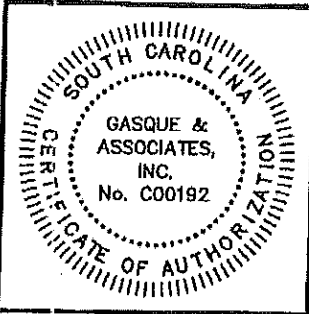
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COUNTY OF: BEAUFORT
 STATE: SOUTH CAROLINA

JOB# 40496 Dsgn. #5 DATE: 02/16/2018

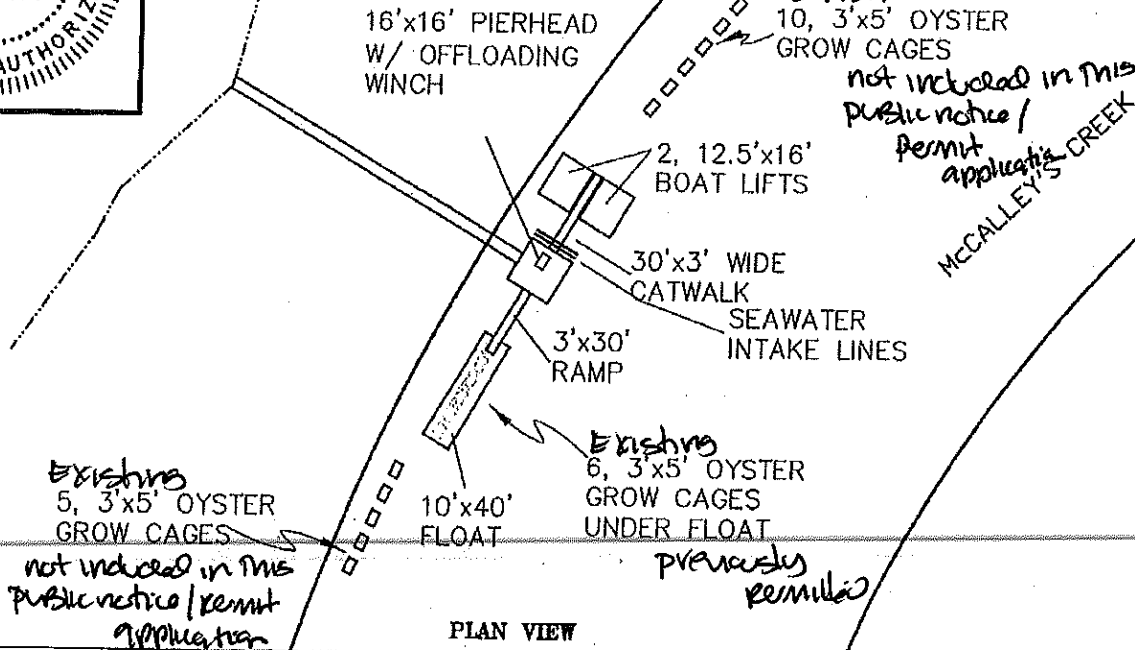


GASQUE & ASSOCIATES INC.

LAND SURVEYORS & PLANNERS

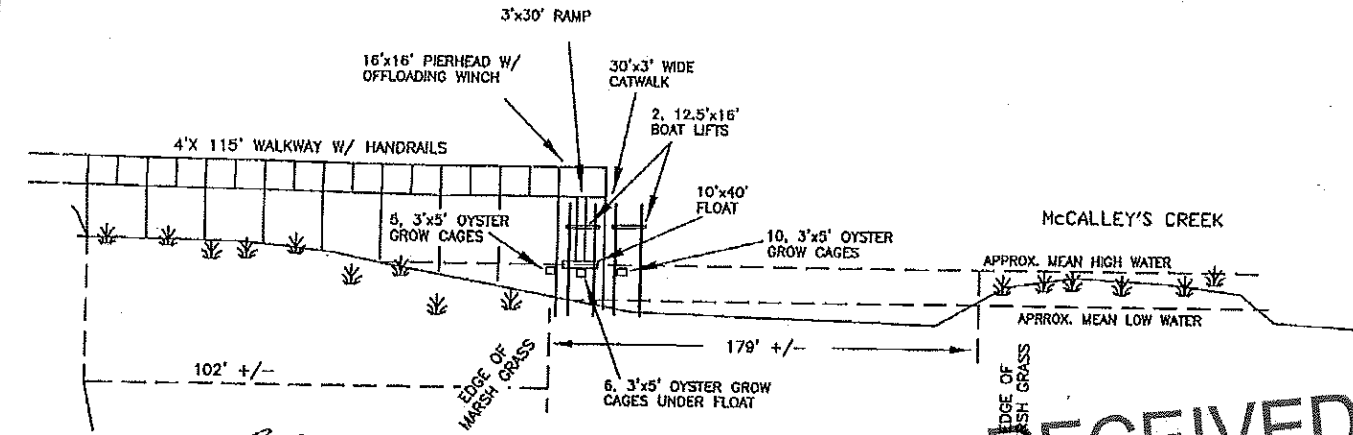
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SHEET # 2 OF 3



PLAN VIEW

PROFILE VIEW



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[Signature]
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